REMARKS

Reconsideration of this application is respectfully requested.

Requirement for Restriction

The Examiner required restriction of the claims. Applicants elect the claims of Group IV, claims 47, 50 and 52, drawn to a chimeric bifunctional molecule, designated TARG-TOX. Applicants understand that linking claims 46 and 69 will be examined with this Group. (Office Action at 5.)

If Group IV was elected, further restriction was required. Applicants were required to elect a TARG component from: I. Antibodies and J. Peptides. If Applicants elected Group J, Peptides, then Applicants were also required to elect one peptide. The peptide can be a homing peptide or one of the peptides in Table III of the specification.

Applicants were also required to elect TOX from: K. Peptides and L. Peptidomimetics. If Applicants elected Group K, Peptides, then Applicants were also required to elect one peptide from the list in Table I of the specification.

In response to the restriction requirement, Applicants elect as the TARG component the peptides in Table III.

Applicants further elect as the TOX component the peptides in Table I.

In addition, Applicants elect the species: RKKRRQRRR for TARG and the species KKLSECLKRIGDELDS for TOX in response to the restriction requirement.

RKKRRQRRR is a TARG Peptide corresponding to HIV tat 48-59 peptide identified by SEQ ID No. 269 in the sequence listing. (See also line 4, Table III on page 11 of the specification).

KKLSECLKRIGDELDS is a TOX peptide corresponding to Bax 57-72 identified by SEQ ID NO.: 239 in the sequence listing. (See also line 14, Table I on page 10 of the specification).

Claims 35, 46, 52, 59-60, 64-66, and 68-90 are readable on the elected invention. Claims 74, 75, 80, 81, 84, 87, and 90 are directed to the elected species.

Applicants understand that the restriction requirement between the linked inventions is subject to the nonallowance of the linking claims. Upon the indication of allowability of the linking claims, the restriction requirement as to the linked inventions will be withdrawn and any claims depending from or otherwise requiring all the limitations of the allowable linking claims will be rejoined and fully examined for patentability in accordance with 37 C.F.R. 1.104. Claims 35, 46, 52, 59-60, 64-66, 68-73, 76-79, 82-83, 85-86, and 88-89 are linking claims and should be examined with the claims directed to the elected species if the elected species is found to be allowable.

Claim Amendments

Claims 1-34, 36-45, 50-51, 53-58, 61-63, and 67 have been cancelled. These claims are drawn to non-elected subject matter. Applicants reserve the right to claim this subject matter in one or more divisional applications.

Claim 46 has been amended to encompass the elected subject matter. The peptide Tox is now defined as being chosen from Table I. The peptide Targ is defined as being chosen from Table III. Claims 35, 50, 52, and 66 have been amended to depend from claim 46, as amended.

New Claims

Claims 70-90 have been added to the application. These claims are derived from claims 46 and 47, as well as from Table I and Table III in the specification.

With regard to the recitation of "a peptide linker of 2-18 amino acids," original claim 18 recited a peptide linker of "3-18 amino acids." Support for a peptide linker of "2" amino acids can be found at page 33, lines 5-6 of the specification. Thus, the specification supports the claimed range of "2-18" amino acids in the peptide linker.

With regard to the recitation of "D-amino acids and a C-terminal amide function" as it relates to the TARG peptide, support can be found in the specification in the paragraph between Tables II and III on page 11 of the specification, and at page 33, lines 3-4 of the specification.

In claims 70 and 76, the TOX peptide is defined as "a Bax, Bid, or Bad peptide of the proapoptotic Bcl-2 family, which interacts with the PTPC." The quoted language is supported in several passages of the specification, for example, page 2, lines 6-7; page 2, lines 15-17; page 3, lines 4-5 from the bottom; page 9, lines 22-24; and Table I.

Claims 82-84 are directed to a pharmaceutical composition comprising a chimeric bifunctional molecule of the invention "in combination with a physiologically acceptable diluent, carrier, or excipient." The quoted language finds support in the specification at page 26, lines 6-8.

Claims 85-87 are derived from claim 61, which has been canceled.

Claims 88-90 are derived from claim 59.

Applicants respectfully submit that claims 85-90 should be rejoined with the elected claims pursuant to the provisions of M.P.E.P. 804.02, if the corresponding product claims directed to the chimeric, bifunctional molecule are found to be allowable.

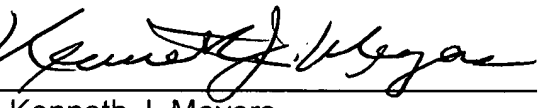
In view of the foregoing amendments and remarks, Applicants respectfully request examination of this application on the merits and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 25, 2006

By: 

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Attachments: **An Information Disclosure Statement and related documents, a Petition for Extension of Time, and check for $120.00.**